



# HELSINKI COMMISSION HEARING

UNITED STATES COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

## Testimony :: Ambassador Daniel Fried

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Commission on Security and Cooperation in Europe

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For the New Independent States

"Elections, Democratization and Human Rights in Azerbaijan"

Mr. Chairman, it is an honor to be here today representing the Administration at this hearing. I appreciate the opportunity to discuss recent developments in Azerbaijan and U.S. foreign policy goals in that country.

The United States seeks development of modern democratic political and economic institutions in Azerbaijan and the strengthening of Azerbaijan's sovereignty, independence and territorial integrity. With its vast hydrocarbon resources and its geo-strategic position on east-west trade routes, Azerbaijan stands a strong chance of becoming a vital hub for the transport of Caspian Basin energy resources to world markets. To promote our interests in Azerbaijan, we have established the following priority policy goals:

§ Promoting regional stability and cooperation. Long-term stability in the Caucasus will require a peaceful resolution of the Nagorno-Karabakh conflict. As a co-chair of the OSCE Minsk Group, we, along with our French and Russian counterparts, are working with the parties to bring about a mutually agreeable, just and durable settlement.

§ Broadening our cooperation with Azerbaijan to counter global threats, including terrorism, drug trafficking and proliferation of weapons of mass destruction, and associated delivery systems, materials, technologies and expertise.

§ Supporting development of Azerbaijan's energy resources. We have sought to augment global energy supplies and support U.S. commercial interests by developing Azerbaijan's energy resources in an environmentally sound manner. By promoting the development of commercially viable multiple east-west pipelines, we look to improve regional cooperation and advance Azerbaijan's independence and prosperity.

§ Promoting transition to a market-based economy open to foreign investment. Beyond development of Azerbaijan's energy sector, we have also broadened our efforts to include, as a priority for stability, development of a vibrant non-energy sector which can help diversify the economy and protect it from the potentially negative consequences of a large, unbalanced inflow of petroleum income.

All of these issues -- democratization, market reform, nonproliferation, energy development, regional cooperation -- are important, indeed critical to Azerbaijan's long-term prosperity, stability, and sovereign independence, and to its integration into Euro-Atlantic and global structures. The United States has consistently sought to pursue all of

these objectives. We have been able to achieve some progress through high-level and broad engagement with Azerbaijan. Our position as co-chair in the OSCE Minsk Group is one example of this. Our recent inauguration of a bilateral Task Force on Economic Reform and Cooperation is another.

Bilateral assistance programs funded by Congress advance our goals as well. Section 907 of the FREEDOM Support Act limits our ability to provide assistance to Azerbaijan, hinders our ability to be an honest broker in the Nagorno-Karabakh peace process, and is a serious irritant in our bilateral relations with Azerbaijan. For these reasons, the Administration continues to advocate repeal of these restrictions. However, within the limitations set by Section 907, the Administration is providing the following types of assistance:

- Humanitarian Assistance programs: Our assistance efforts in Azerbaijan continue to focus on humanitarian support. Targeted at the 850,000 refugees and IDPs displaced from their homes by the fighting over Nagorno-Karabakh, these programs include food assistance, primary health care, basic shelter, income-generation, and nutrition.

§ Security Assistance programs: We are providing the Government of Azerbaijan with nonproliferation/export control assistance. In FY99, we established a maritime assistance program to help the Azerbaijani Maritime Border Guard stop the transit of WMD, associated delivery systems, materials and conventional weapons in the Caspian Sea. This program consists of senior level exchanges, technical training by the US Coast Guard and US Customs, and provision of detection, interdiction and enforcement equipment.

§ Democracy programs: Our democracy programs include development of an independent media, civil society, independent NGOs, the rule of law, and expanded Internet access. We also have active exchange programs that exposed over 150 secondary school, undergraduate and graduate students to life in the United States in 1999. Thanks to Congress's FY98 loosening of Section 907 restrictions, we were able to expand our assistance programs in Azerbaijan to include activities to promote democracy, including free and fair elections. During the 1998 presidential elections and 1999 municipal elections, USAID-funded NGOs provided training to elections officials, technical assistance to the Central and Territorial Election Commissions, and implemented voter education and election observation programs.

§ Other programs: Congress has also broadened our assistance options to include Trade and Development Agency assistance, Overseas Private Investment Corporation insurance, reinsurance or loan guarantees to U.S. firms interested in investment in Azerbaijan, and Export-Import Bank Financing.

Our efforts have begun to bear fruit. Much more needs to be done. Still, the last two years have seen a set of incremental improvements in respect for human rights in Azerbaijan. Let me review developments in a few key areas.

Media Freedoms: The government tightly controls radio and television in Azerbaijan, requiring stations to obtain a license to operate. The government has used this requirement to deny broadcast licenses to independent stations. In addition, opposition parties have virtually no access to the official electronic media. We have repeatedly expressed our concerns over the lack of progress in the government's broadcast media policy to the government, and believe that the government's current policy in this area does not meet democratic standards. Print media, however, has enjoyed much greater freedom. The independent and opposition press plays an active, influential role among political elites. Articles critical of government policy and discussion of sensitive foreign and domestic policy appear routinely in the print media. The government took a major step to improve print media freedom in Azerbaijan when it eliminated press censorship in 1998. In 1999, the government passed a new law on the media that, while still flawed, is considered an improvement over previous legislation by independent editors. Government officials have attempted to intimidate independent and opposition newspapers by suing them for slander, though none of the fines assessed in these suits have been collected. Some journalists have claimed that the threat of libel charges has forced them to exercise self-censorship, however, the print media continues to operate relatively freely.

Religious Freedom: The government has made significant progress in its efforts to protect religious liberty in Azerbaijan. In November, President Aliyev held a National Security Council meeting to make a public commitment to protection of religious liberty in Azerbaijan. As a direct result, the government took action to remedy a number of specific violations of religious freedom including the reinstatement of workers fired because of their religious affiliation and registration of three religious groups that had been unsuccessfully seeking registration for several years. Almost all problems reported since last November involve one office, the Religious Affairs department. This office continues to delay registrations and to intervene in the importation of religious literature. We continue to work closely with the President's office to address these remaining issues.

Independent Judiciary: Azerbaijan does not have an independent judiciary and judges do not function independently of the executive branch. With the 1998 democracy carve out in Section 907, we have been able to expand our efforts in this important area. Along with the Council of Europe and the World Bank, we have begun engaging the government in the initial steps of judicial reform. The creation of the Constitutional court in 1998 was a significant step forward. The court has already overturned a portion of the criminal code that allowed the government to confiscate property of a convicted person as well as a provision that allowed the government to deny legal representation to individuals by holding them in administrative detention. In addition, a number of new laws have been passed that restructure the courts, provide new standards of independence and immunity for judges, and limit the powers of the procuracy. However, these new laws will require an effective enforcement mechanism, in the form of an independent judiciary. Under a World Bank program, with significant involvement of the American Bar Association/CEELI, Azerbaijan is currently replacing most judges in the country via a competitive and supervised testing process. However, much more will need to be done to establish an independent judiciary.

Elections: None of Azerbaijan's elections since 1993 have met international standards. A consistent problem is the government's failure to report results that are judged credible by domestic and independent observers. Other problems with the 1998 presidential elections included the unbalanced composition of the Central Election Commission, biased media coverage, restrictions on freedom of assembly, interference in the election process by officials, serious irregularities, including ballot stuffing on election day, and a lack of transparency in the compilation of vote totals. Municipal elections in December 1999 were equally troubled.

Parliamentary elections are scheduled for November. The government has been working with the OSCE's ODIHR and the Council of Europe in drafting legislation governing these elections and reform of the law on the Central Election Commission (CEC). However, it is not yet clear that these critical pieces of legislation will meet international standards. The government's decision on how to restructure the election commissions will have a tremendous impact on the prospects for free and fair parliamentary elections this fall. ODIHR has made proposals to bring the structure of the CEC into conformity with international standards, and we hope that all parties will agree to these proposals.

In February, the government registered the Azerbaijan Democratic Party, the last major opposition party pending registration. Although the Baku Mayor's office refused to grant a permit for the rally to be held downtown, the opposition staged a demonstration on April 29th to protest the lack of progress in election legislation and reforming the Central Election Commission (CEC). There were clashes between police and demonstrators and more than 40 people were arrested. On May 20, after successful negotiations with the Baku mayor's office over a mutually agreeable location, the opposition held a second demonstration. There were no reports of violence and no arrests. However, the government continues to hold people arrested for politically motivated reasons such as participating in political demonstrations in 1998.

The United States has engaged all elements of the political spectrum, including the government, the opposition, and NGOs, on democracy issues at every opportunity. Our message has been clear: Azerbaijan's long-term stability and integration into Euro-Atlantic community depend on action now to build democracy and civil society. Azerbaijan needs to reassert its commitment to strengthening democratic development and fostering greater respect for human rights, including its commitments to the OSCE.

There are realistic achievable steps the government can take in order to conduct free, fair and transparent parliamentary elections in November:

First, it should bring its legislation governing conduct of parliamentary elections into accordance with international standards.

Second, it should work with the OSCE's ODIHR and opposition to ensure that the composition of the Central Election Commission and lower level commissions will ensure fair conduct of the elections.

Third, it should allow opposition groups to demonstrate peacefully in locations accessible to the public.

Fourth, it should allow for fair and equal media coverage for all groups participating in the elections.

Fifth, it should encourage the election commissions to conduct the vote count transparently and to publish election protocols in a timely manner.

We are prepared to provide additional assistance to both the government and non-governmental organizations in Azerbaijan to ensure that parliamentary elections are carried out in accordance with Azerbaijan's commitments. There is a great deal that can be accomplished between now and November: training of election officials and domestic observers; development of a mechanism to ensure that election results are reported quickly and accurately; and voter education. These are just some of the things we can do to help prevent the problems experienced in previous elections. Active U.S. and European engagement will continue to be a vital contributor to the development of democracy in Azerbaijan.

Mr. Chairman, democratic traditions and respect for human rights will not develop overnight in Azerbaijan. Azerbaijan has been independent for less than 10 years. Like other states of the former Soviet Union it suffers from a heavy legacy of seventy years of Soviet communism: the absence of democratic traditions, of a civil society and of entrepreneurial experience. Our dialogue with the government, however, has been productive. We want to recognize where progress has occurred while urging the government to meet all of the international commitments that it has assumed as a participating State in such bodies as the OSCE. With the support of Congress, we will continue to work with the Government of Azerbaijan on democratic reform, respect for human rights and other priority issues.